



PLANNING COMMISSION STAFF REPORT SEPTEMBER 22, 2011

Project: AT&T OSGOOD ROAD (PLN2012-00001)

Proposal: To consider a Conditional Use Permit for a roof mounted radome antenna located 17-feet above the roof of an existing two-story building to accommodate a wireless telecommunications facility.

Recommendation: Approve, based on findings and subject to conditions.

Location: 42816 Osgood Road in the Irvington Planning Area.
APN 525-331-41
(See aerial photo next page)

Area: 1.67 acre parcel.

People: AT&T Mobility, Applicant
Jason Osborne, Consultant
Lockaway Storage, Property Owner
Terry Wong, Staff Planner (510) 494-4456; twong@fremont.gov

Environmental Review: This project is exempt from the California Environmental Quality Act per guideline 15303, new construction of a small structure.

General Plan: Light Industrial

Zoning: I-L, Light Industrial

EXECUTIVE SUMMARY

The applicant requests approval of a Conditional Use Permit for a 17-foot tall telecommunication facility on the roof of an existing 20-foot tall warehouse building with accessory equipment located within the building. Staff recommends the Planning Commission approve the Conditional Use Permit subject to findings and conditions of approval.

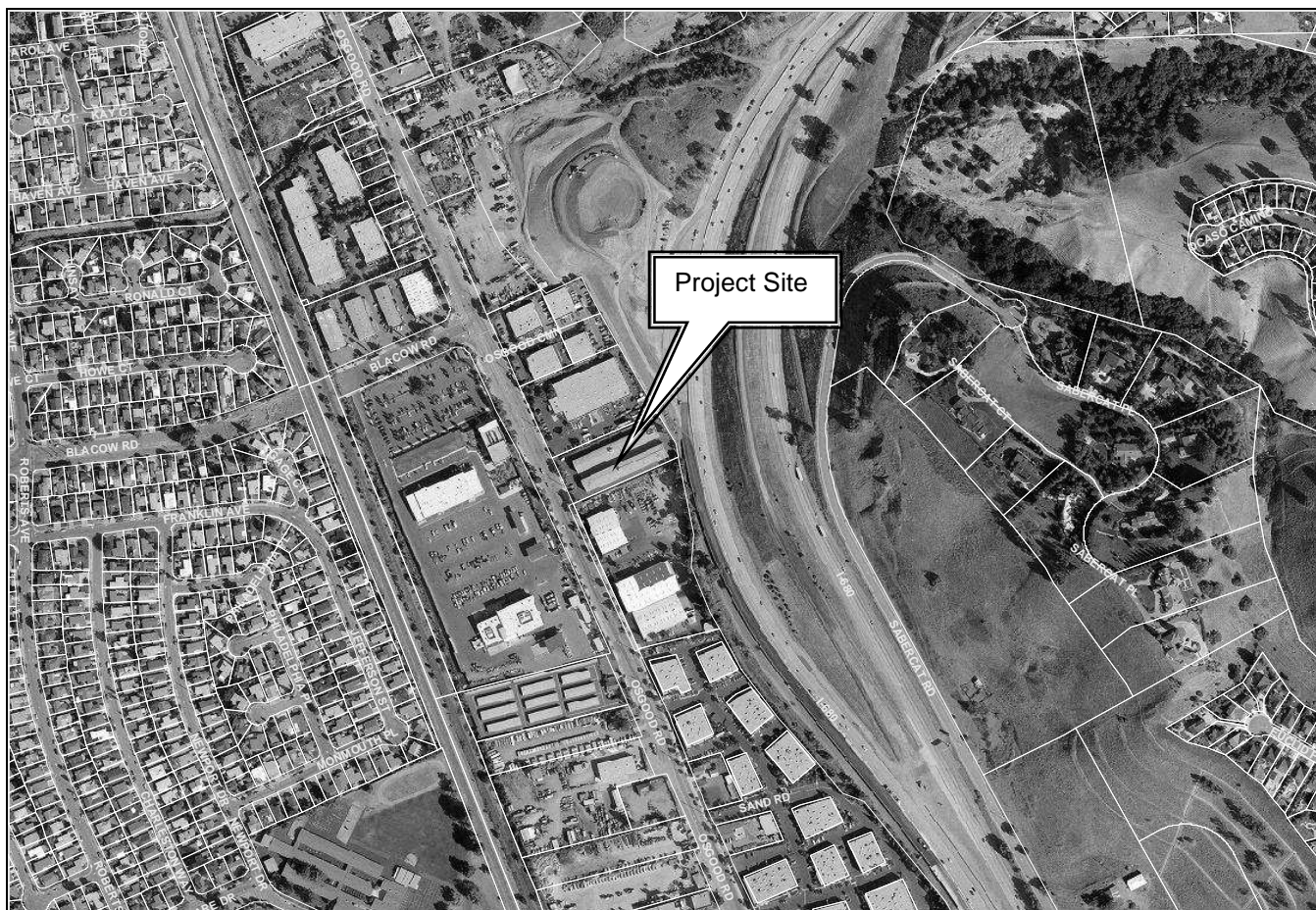


Figure 1: Aerial Photo (2009) of Project Site and Surrounding Area.



Surrounding Land Uses

North: Industrial Businesses, I-L

South: Contractor Corporation Yard, I-L

East: I-680; Single-Family Residences Beyond, R-1-20(H-I)

West: Corporation Yard, I-L, City of Fremont Corporation Yard

BACKGROUND AND PREVIOUS ACTIONS

The project is located on a 1.67 acre parcel containing a 63,400 square foot mini-storage facility constructed in 1986. The site contains two, two-story buildings that are each 20 feet in height. In 2000, Cellular One, now AT&T, was granted approval to install a 17' radome antenna on the roof of the subject building. The proposed radome antenna will be located adjacent to the existing radome antenna. There is also an existing 80' monopole on the north east corner of the subject site that was approved with a Conditional Use Permit by the Planning Commission in 1990.

PROCEDURE FOR TONIGHT'S HEARING

At tonight's hearing, the Planning Commission is charged with completing one primary task:

1. Consider request for approval of the proposed Conditional Use Permit, based on consistency with the provisions specified in the Development Standards for Siting Wireless Telecommunication Facilities in Ordinance No. 2213 (Wireless Telecommunications Ordinance), to permit a roof mounted wireless telecommunication facility antenna to be located on an existing building. Roof-mounted antennas more than 10 feet above the roof are allowed subject to a Conditional Use Permit.

PROJECT DESCRIPTION

The proposed roof mounted antenna is located on a site within a Light Industrial District, and requires a Conditional Use Permit because the antenna will be more than ten feet in height above the roof parapet. The project includes a 17-foot tall radome antenna to be located on the roof of a 20-foot tall existing mini-storage building. A radome is a light weight metal cylinder that will be used to screen three antennas that will be mounted on a metal support pole. The radome is engineered to allow radio frequencies to be transmitted through it. The design of the new radome antenna will match the height, design and diameter of an existing radome antenna located adjacent to the proposed antenna (also operated by AT&T). The radome will be 30" in diameter and will have a similar appearance to a chimney/vent. A GPS antenna and six small remote radio units (RRU's) will be located on the exterior wall of an existing 6'-6" tall penthouse structure located below the proposed radome antenna. The project also includes a ground mounted equipment cabinet that will be installed within the northeast corner of the mini-storage building, adjacent to an existing equipment cabinet.

Further Project Considerations:

The applicant considered other sites in the vicinity; however, the adjacent buildings did not provide the height necessary to achieve the cell coverage and increase capacity they needed. There is an existing 80' tall monopole on the northeast side of the subject property, adjacent to I-680, a scenic corridor. The applicant did not pursue mounting new antennas on the monopole because the new antennas would be highly visible from surrounding properties. The monopole also already has two carriers located on it. For these reasons, the applicant chose to design a radome antenna that will be small in scale and screened from view, and will be identical to an existing radome antenna located adjacent to the proposed antenna. If the project is approved, the applicant states that the in-building and in-vehicle cell coverage would be significantly improved, and meet their customer's current and future coverage needs.

PROJECT ANALYSIS:

The Planning Commission's consideration of the project is governed by both the City's local zoning regulations and the Federal Telecommunications Act (47 USCS § 332). Under the City's local regulations, in order to approve the conditional use permit, the project must be consistent with the general plan and zoning for the site, the project must comply with the development standards for wireless telecommunication facilities set forth in the Fremont Wireless Telecommunications Ordinance (Ordinance No. 2213), and the Commission must make the findings required for a Conditional Use Permit under FMC 8-22509. The Federal Telecommunications Act limits the Commission's consideration of the project under these local standards in two significant ways. First, the federal law prohibits the city from either conditioning or denying the project based on concerns stemming from the environmental effects of radio frequency emissions ("RF") if the proposed facility complies with federal RF standards. Second, the federal law prohibits the city from denying the project if (a) the facility is necessary to fill a significant service gap in the service provider's wireless network and (b) the facility is the least intrusive means of filling the service gap.

The applicant submitted a Radio Frequency (RF) report prepared by Geist Environmental, consulting engineers that estimate that a person on the ground would receive a maximum ambient electromagnetic exposure level that is 5% of the applicable public limit. The RF report states that at 22' to 28' above the ground, a person would receive 1% to 20% of the applicable public limit (see Informational Item no. 4) notes that the results include several "worst-case" assumptions and therefore, are expected to overstate actual power densities. The RF report states that the proposed project will comply with the prevailing standards for limiting public exposure to radio frequency energy. Based on the RF report, the proposed project should not be detrimental to the general welfare of persons in the immediate vicinity, or community at large.

General Plan Conformance

The existing General Plan land use designation for the project site is Light Industrial. The proposed project is consistent with the existing General Plan land use designation for the project site because telecommunication facilities are consistent with the range of uses of the underlying land use designation. The project will accommodate the following General Plan Goals, Objectives and Policies that are applicable in this instance:

Policy Natural Resources 13.3.1: Reduce the visual impacts of signs, utility lines and poles.

Analysis: The project is appropriately designed for the subject site because the proposed antenna is screened with a radome, and is only 17' above the roof the subject building, and the antenna does not exceed the grade elevation of Interstate 680.

Zoning Regulations/Development Standards

The site is zoned I-L (Light Industrial). Roof mounted telecommunication facilities that are more than 10 feet in height above the parapet require a Conditional Use Permit by the Planning Commission. Additionally, the project must conform to the *Development Standards for Siting of Wireless Telecommunication Facilities*, Ordinance 2213. The applicable standards are related to telecommunication facility visibility and screening as described below:

Standard C-1: All proposed telecommunication facilities shall be located so as to minimize their visibility.

Analysis: The applicant has complied with Standard C-1 by roofing-mounting the antennas and screening the proposed telecommunication facility with a radome.

Standard C-3: Applicants are encouraged to consider architectural treatments using “stealth techniques” to reduce potential visual impacts for all telecommunication facilities, and especially for those proposed in areas easily visible from a major traffic corridor or commercial center.

Analysis: The applicant has complied with Standard C-3 by screening the proposed telecommunication facility with a radome.

The telecommunication facility will utilize a radome in order to screen the antennas that will be mounted on a support post. Additionally, all exterior cables will be placed within metal trays that will also be textured and painted to match the building. The height of the new antenna on the building will not exceed the 40’ height limit of the Light Industrial district, and will be identical to the height of the existing adjacent roof mounted radome antenna, as the roof mounted antenna will be 37’-4”.

Standard F-3: Freestanding roof-mounted antennas shall not be allowed when they are placed in direct line of sight of significant view corridors or where they significantly affect scenic vista. Such facilities shall require the incorporation of appropriate stealth techniques.

Analysis: The telecommunication facility does not create a visual impact to I-680, a scenic corridor, because the height of the radome is below the grade elevation of the freeway, and below the maximum height for buildings in the zoning district in which it is located.

Standard F-4; F-5: Roof mounted telecommunication facilities that generally do not exceed 10’ above the roof parapet, and are located below the toe of the hill, are allowed in all zoning districts. Antennas that require additional height shall be subject to a Conditional Use Permit and may be required to provide additional screening.

Analysis: Although the proposed roof mounted antenna will be 17’ in height, because there is an existing 6’-6” tall penthouse structure located below it, the antenna will appear to be only 10’-6” in height.

Design Analysis

Site Planning

The site plan will not be modified as a result of the project. An accessory equipment cabinet will be installed in the northwest corner of the building, adjacent to an existing equipment cabinet that currently serves another telecommunication facility on the site, also operated by AT&T.

Architecture

The height of the new radome antenna will appear lower than its 17' height because it will be attached to an existing 6'-6" tall penthouse structure. The radome will be painted a matte gray finish and will be identical in design and height to the adjacent existing radome antenna that was installed on the building in 2000. The radome will be 30" in diameter and will have a similar appearance to a chimney/vent. A small GPS antenna and (RRU's) will be located on the exterior wall of an existing 6'-6" penthouse structure located below the proposed radome antenna. Because the penthouse is located in the center of the main building's roof, the small antennas will not be visible (see photo simulation in Informational Item 1).

View Impacts

The General Plan identifies the views of the hills to the east as scenic vistas. The hills are located two miles east of the subject property. There will be no resulting incompatible improvements or adverse change in character of the area as a result of the proposed roof-mounted antenna because the height of the radome antenna will not exceed the grade elevation of Interstate 680, located just east of the subject site.

FINDINGS FOR APPROVAL

In order to approve the proposed Conditional Use Permit, the project must be found consistent with the General Plan and Zoning Ordinance. Based on the above analysis, staff finds the proposed Conditional Use Permit is in conformance with General Plan and Zoning Ordinance and recommends the following findings:

Findings for Conditional Use Permit:

- a. The proposed use is consistent with the General Plan's Land Use as set forth in the staff report because telecommunication facilities are consistent with the range of uses of the underlying land use designation. Also, roof-mounted antennas over 10' in height are permitted on buildings that are not used for residential purposes, subject to additional screening and a Conditional Use Permit.
- b. The site is suitable and adequate for the proposed use because it will be located within an area of minimal visibility to the public. The antenna will be screened by a radome and the accessory equipment will be located within the existing building.
- c. The proposed use and design would not have a substantial adverse impact on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system because the trips generated by the proposed use are insignificant, as the use under normal operation is only expected to generate one trip monthly during maintenance service.
- d. The proposed use would not have a substantial adverse economic effect on nearby uses because it would not reduce business activities or impact the industrial uses in the area. The telecommunication facility could benefit business activity because cell services will be enhanced.
- e. As conditioned, the proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood, or the community at large, surrounding uses and environment, and would not create nuisances because there are no residences yet in the vicinity, and the project complies with relevant development standards.

- f. As conditioned, the design of the project is compatible with existing and proposed development in the district and its surroundings because the radome antenna was designed to be identical to the existing adjacent radome antenna. The monopole will be painted a matte gray finish in order to blend into the sky. The ground-mounted equipment will be located within the existing building.
- g. As conditioned, the project complies "Development Standards for Siting of Wireless Telecommunications Facilities", Ordinance No. 2213 because conditions are included to ensure proper maintenance and operations.
- h. As conditioned, the project complies "Development Standards for Siting of Wireless Telecommunications Facilities", Ordinance No. 2213 because conditions are included to ensure proper maintenance and operations.

The findings above are also contained in Exhibit "B" enclosed.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act per guideline 15303, construction of a small structure.

PUBLIC NOTICE AND COMMENT

Public hearing notification is applicable. A total of 13 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on September 9, 2011. A Public Hearing Notice was published by *The Argus* on September 6, 2011.

ENCLOSURES

Exhibits:

- Exhibit "A" [Site Plan, Elevations](#)
- Exhibit "B" [Findings and Conditions of Approval](#)

Informational Items:

- 1. [Photo simulations](#)
- 2. [Applicant's project justification letter](#)
- 3. [Cell coverage map](#)
- 4. [Radio frequency report](#)

RECOMMENDATION

- 1. Hold public hearing.
- 2. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) under 15303 of the CEQA Guidelines because it is new construction of a small structure and find these actions reflect the independent judgment of the City of Fremont.

3. Find the project, a Conditional Use Permit is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the Light Industrial land use designation.
4. Approve the Conditional Use Permit, PLN2012-00001, as shown on Exhibit "A" subject to findings and conditions on Exhibit "B".

Existing Zoning

Shaded Area represents the Project Site



Existing General Plan

